

## UNITED STATES DISTRICT COURT

for the  
Southern District of Texas

FEB 11 2011

Clerk of Court

United States of America )

v. )

1) VALENCIA, FIDEL YOB: 1987 MX )

2) VALENCIA, JESUS ALBERTO YOB: 1989 MX )

3) MENDOZA, DANIEL YOB: 1986 USC )

Defendant

Case No.

M-11-0297-M

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

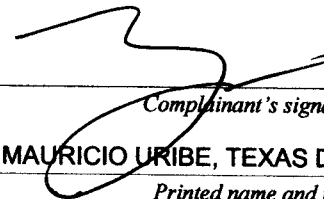
On or about the date of 02/09/2011 in the county of HIDALGO in the SOUTHERN District ofTEXAS, the defendant violated TITLE 21 U. S. C. § 841 (A) AND 846

, an offense described as follows:

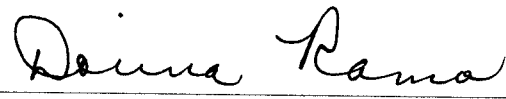
KNOWINGLY AND INTENTIONALLY POSSESS WITH INTENT TO DISTRIBUTE 100 KILOGRAMS OR MORE OF MARIJUANA, A SCHEDULE I CONTROLLED SUBSTANCE. KNOWINGLY AND INTENTIONALLY CONSPIRE TO POSSESS WITH INTENT TO DISTRIBUTE MORE THAN 100 KILOGRAMS OF MARIJUANA. TO WIT: 660 KILOGRAMS OF MARIJUANA.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet. 2/11/11  
Complainant's signature  
MAURICIO URIBE, TEXAS DPS CID AGENT  
Printed name and title

Sworn to before me and signed in my presence.

Date: 2/11/2011City and state: McAllen, TX  
Judge's signature  
Dorina Ramos  
United States Magistrate Judge  
Printed name and title

**ATTACHMENT II TO A091, CRIMINAL COMPLAINT, FEBRUARY 9<sup>TH</sup> 2011**  
**DPS CASE N3C1-11-0015**

On February 7<sup>th</sup>, 2011 Texas Department of Public Safety CID Agent Mauricio J. Uribe received information from a source regarding suspicious activity occurring at Roth Warehouse, located at 5818 North Cage Boulevard #54, Pharr, Hidalgo County, Texas. Agent Uribe was advised that Roth Warehouse 54 had been recently rented and paid for in cash. Agent Uribe made contact with HIDTA Task Force Agent Juan Cisneros who also had information about the warehouse. He informed Agent Uribe that on 02/02/2011 a purchase for 1088 white and blue boxes of Panel Rey joint compound was purchased from McCoy's Building Supply by a Valdez, Adan with a phone number of 956-588-0691 to be delivered to the Roth Warehouse 54. The total cost of the compound was \$5,890.01 and it was paid for, in full, with U.S. currency. Valdez was observed to be riding in a Dodge Durango.

On 02/07/2011 at approximately 5:30 p.m. Agent Uribe assisted by Texas DPS CID Agents initiated surveillance on Roth Warehouse 54. At approximately 6:00 p.m. a grey in color Dodge Durango was observed arriving at Roth Warehouse 54 and 4 males were observed exiting the Durango and entering said warehouse.

On 02/09/2011 at approximately 5:48 p.m. Agent Uribe observed a white in color Toyota Tacoma (Texas Registration AYO-5286) arrive at the Roth Warehouse 54 with 3 male subjects later identified as VALENCIA, JESUS ALBERTO; VALENCIA, FIDEL; and MENDOZA, DANIEL. At the same time Agent Uribe observed a white in color Freightliner Truck Tractor towing a dry van trailer arrived to the loading docks of the Roth Warehouse compound. At approximately 6:00 p.m. on 2/09/11, VALENCIA, JESUS and VALENCIA, FIDEL were observed meeting with the driver of the Truck while MENDOZA began to load the boxes of joint compound from Roth Warehouse 54 to the back of the dry box trailer with a forklift. At approximately 7:00 p.m., the truck tractor was observed leaving the docks and surveillance was maintained on the truck by law enforcement officers. Texas Department of Public Safety Trooper Orlando Olivarez, who was assisting in the investigation, conducted a traffic stop of the white Freightliner as the driver drove on the shoulder of road when prohibited. The Freightliner pulling a dry box trailer was driven by truck driver Roundtree, Joe. The traffic stop, itself occurred

on U.S. 281, south of Texas 107, in Edinburg, Hidalgo County, Texas. After interviewing Roundtree, Trooper Olivarez requested and obtained verbal consent to search the truck tractor and dry box trailer. A Border Patrol K-9 Unit, who was also assisting in the investigation, conducted a K-9 search of the load in the dry box trailer which yielded a positive alert for the presence of narcotics. A subsequent search revealed concealed within the boxes of joint compound were cellophane wrapped bundles containing a green leafy substance believed to be Marijuana.

At approximately the same time as the search of the Truck tractor was taking place, Texas Department of Public Safety Trooper Patricia Guerrero conducted a traffic stop of the white Toyota Tacoma once it had left the Roth Warehouse 54 for failure to stop at designated point. VALENCIA, FIDEL was driving and VALENCIA, JESUS and MENDOZA, DANIEL were passengers. In the bed of the vehicle observed in plain view were several large black trash bags which contained a joint compound mix very similar to the compound mix that was found in the truck tractor with the marijuana. Once CID Agents located the first cellophane wrapped bundle found to contain Marijuana, Trooper Guerrero was instructed to detain and transport the occupants of the white Toyota Tacoma to the McAllen DPS Regional Office. (In order to place the bundles of marijuana into the boxes of joint compound it appears some of the joint compound had to be removed.)

VALENCIA, JESUS, made the following post-Miranda statements: VALENCIA, JESUS advised that he was contacted by a person he only knows as LNU, PUERCO from Reynosa Mexico, and instructed to find a warehouse and coordinate with a trucking company to store and ship some materials to Forth Worth, Texas. He was to be paid \$2,000.00 for his services. VALENCIA, JESUS stated that on 02/07/2011, while moving the pallets of joint compound, he became aware that they contained drugs. VALENCIA, JESUS made contact with PUERCO regarding the drugs in the joint compound mix. VALENCIA, JESUS agreed to still assist PUERCO with coordinating the transport of the "joint compound mix/drugs" to Fort Worth, Texas. VALENCIA, JESUS coordinated with a trucking company on 02/09/2011 to pick up the load from Warehouse 54. VALENCIA, JESUS stated that his brother VALENCIA, FIDEL and cousin MENDOZA, DANIEL assisted him with the loading of the truck tractor with the joint

compound mix. (VALENCIA, JESUS was found to be in possession of a phone with the number 956-588-0691, the same number on the invoice joint compound mix.)

During the post-Miranda interview of VALENCIA, FIDEL, he acknowledged being present at Roth Warehouse 54 while the truck tractor was being loaded. VALENCIA, FIDEL also stated during the interview that MENDOZA loaded the truck tractor with the use of a forklift. Agent Uribe observed small spackles of joint compound on VALENCIA, FIDEL's clothing and on the sole of the shoes.

During the post-Miranda interview of MENDOZA, DANIEL, he advised that he was never at the Roth Warehouse 54 and had no knowledge of said location. MENDOZA continued by stating that they were coming from a near by mechanic shop. During the interview Agent Uribe observed that MENDOZA had joint compound mix on his clothing and shoes. MENDOZA also stated that when they were stopped by the marked patrol unit they were heading to do some repairs at a residence, and that the joint compound mix in the back of the truck was to be used for that purpose.

During the interview of Roundtree, he stated that he was instructed to pickup a load at the Roth Warehouse 54. Roundtree identified VALENCIA, JESUS; VALENCIA, FIDEL; and MENDOZA to be present at the Roth Warehouse 54. Roundtree identified MENDOZA as the driver of the forklift, VALENCIA, FIDEL assisting guide the forklift in and out of the dry box trailer, and VALENCIA, JESUS as the one in charge.